UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Novella Johnson

               Plaintiff[s],

-v-

Metropolitan Transit Authority,
et al.

               Defendant[s].

07-CV-05805(RJS)
No. Civ.   (RJS)
CASE MANAGEMENT PLAN AND
SCHEDULING ORDER
ECF

RICHARD J. SULLIVAN, District Judge:

At the conference before the Court held on **December 5, 2007**, this Case Management Plan and Scheduling Order was adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1.   All parties (consent) (do not consent) to trial by Magistrate Judge, pursuant to 28 U.S.C. § 636(c) [circle one]. [If all consent, the remainder of the Order need not be completed at this time.]

2.   This case (is) (is not) to be tried to a jury [circle one].

3.   No additional parties may be joined except with leave of the Court.

4.   Amended pleadings may not be filed except with leave of the Court.

5.   Initial disclosures pursuant to Rule 26(a)(1) will be completed not later than **December 19** [absent exceptional circumstances, within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f)].

6.   All *fact* discovery is to be completed no later than **April 4, 2008** [a period not to exceed 120 days unless the Court finds that the case presents unique complexities or other exceptional circumstances].

7.   The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 6 above:

a.   Initial requests for production of documents to be served by *January 4, 200.*

b.   Interrogatories to be served by *January 4, 2008*

c.   Depositions to be completed by *March 8, 200*

   i.   Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.

   ii.   There is no priority in deposition by reason of a party's status as plaintiff or defendant.

   iii.   Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.

d.   Requests to Admit to be served no later than *March 4, 200*

8.   All *expert* disclosures, including reports, production of underlying documents and depositions are to be completed by:

a.   Expert(s) of Plaintiff(s) ~~March 15, 2007~~.

b.   Expert(s) of Defendant(s) ~~June 12, 2007~~

9.   All discovery is to be completed no later than ~~June 21, 2007~~ *April 18, 2008.*

10.   The Court will schedule a post-discovery status conference (see ¶ 16) within three weeks of the close of all discovery. *MAY 14 @ 3:30 PM.*

11.   Pre-motion letters regarding dispositive motions, if any, are to be submitted no later than two weeks prior to the post-discovery status conference date listed in ¶ 18. In accord with this Court's Individual Rule 2.A, response letters thereto are to be submitted within three business days from service of the initial pre-motion letter. *APRIL 30, response due May 5, 2008.*

12.   All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery. Accordingly, Counsel for the parties

have discussed holding a settlement conference before a Magistrate Judge or the
Southern District's Mediation Program and request: [check one]

a.   ✓ Referral to a Magistrate Judge for settlement discussions
                                                        after February 10, 2008
b.   _____ Referral to the Southern District's Mediation Program

13.   The parties shall submit a Joint Pretrial Order prepared in accordance with the
       undersigned's Individual Practice Rule 3 and Rule 26(a)(3). If this action is to be
       tried before a jury, proposed *voir dire*, jury instructions and a verdict form shall be
       filed with the Joint Pretrial Order. Counsel are required to meet and confer on
       jury instructions and verdict form in an effort to make an agreed upon submission.

14.   Parties have conferred and their present best estimate of the length of trial is

       _____4-5 days_____ .

TO BE COMPLETED BY THE COURT:

15.   [Other directions to the parties:]   *12(b)(6)*
       Pre-Motion Letter to be Filed
       by 1/4/08

16.   The post-discovery status conference is scheduled for *5/14* at *4:30 pm.*

SO ORDERED.

DATED: New York, New York
          Dec. 5 , 2007

                                        _____
                                        RICHARD J. SULLIVAN
                                        UNITED STATES DISTRICT JUDGE

November 6, 2007